

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THE STATE OF OKLAHOMA et al.,

Plaintiffs,

v.

JOSEPH R. BIDEN et al.,

Defendants.

No. 5:21-cv-1069-G

**NOTICE OF SUPPLEMENTAL AUTHORITIES**

Defendants hereby notify this Court of two recent decisions of relevance to this suit or authorities relied upon in the briefing presently before this Court. The first is a decision issued by the United States Court of Appeals for the Sixth Circuit in *In re: MCP No. 165, Occupational Safety and Health Administration, Interim Final Rule: COVID-19 Vaccination and Testing*, No. 21-4027, --- F.4th ---, 2021 WL 5989357 (6th Cir. Dec. 17, 2021). *See* Ex. A. That opinion dissolved the stay issued by the United States Court of Appeals for the Fifth Circuit in *BST Holdings, LLC v. Occupational Safety & Health Admin.*, No. 21-60845, 2021 WL 5166656 (5th Cir. Nov. 6, 2021) (staying an Emergency Temporary Standard issued by the Occupational Safety & Health Administration). *Id.* at \*19. The second is a decision issued by the United States District Court for the Eastern District of Washington in *Donovan v. Vance*, No., 4:21-CV-5148-TOR, 2021, --- F. Supp. 3d ---, WL 5979250 (E.D. Wash. Dec. 17, 2021). *See* Ex. B. That opinion denied a motion for a preliminary injunction that included a challenge to the President's statutory authority to issue Executive Order 14042. *Id.* at \*2, 8.

DATED: December 20, 2021

Respectfully submitted,

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/s/ Kristin A. Taylor  
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**CERTIFICATE OF SERVICE**

On December 20, 2021, I electronically submitted this document to the clerk of court of the U.S. District Court for the Western District of Oklahoma using the court's electronic case filing system. I certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

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